THE HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P. No. 21013 of 2007

Dt. 08…10…2007

Between:

Rajesh Yaragunta, S/o. Nageswara Rao,
22 years, D.No.40-17-139, 2nd lane,
Pakeergudem, Valluri Venkateswara Rao Nagar,
Vijayawada, Krishna District.

…. Petitioner

and

The Deputy Transport Commissioner & Secretary,
Regional Transport Authority, Vijayawada
Krishna district & another.

…. Respondents.

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P. No. 21013 of 2007

O R D E R:

This writ petition is filed by the petitioner aggrieved by the inaction of the 1st Respondent in passing orders for releasing the vehicle of the Petitioner, for which an application has been made on 01.10.2007 with reference to the seizure of the vehicle, which was seized under Vehicle Check Report No.1472914, dated 21.09.2007 for the alleged offences/irregularities specified in the said report.

2. According to the respondents, the vehicle was being used contrary to the permit that was granted, apart from

fixing extra three seats, which attracts the tax as well as other punishments and other offences specified in the report. According to the Petitioner, though an application has been filed for releasing the vehicle, no order was passed so far. Hence, the present writ petition for release of the said vehicle.

3. At the time of hearing, the learned Government Pleader, however, basing on the instructions, represented that since the vehicle has been misused as contract carriage without any valid permit, it attracts tax of Rs.2,625/- per seat per quarter in terms of G.O.Ms.No.68, dated 13.4.2006. Therefore, the Petitioner is liable to pay the tax. The said claim is being disputed by the Petitioner.

4. In any case, the liability and other aspects have to be considered only in the regular enquiry that is contemplated under the provisions of the Motor Vehicles Taxation Act as well as the other provisions of the Motor Vehicles Act, and at this stage the Petitioner cannot seek to quantify the liability.

5. Therefore, the respondent is directed to release the vehicle of the Petitioner on production of necessary certificates, which are required to be accompanied by the vehicle. Insofar as the liability to pay the differential tax is concerned, that shall be subject to the determination by the 1st Respondent. The Petitioner is directed to give an undertaking that the vehicle shall not be encumbered or transferred, pending enquiry and will be produced as and when directed. On such undertaking being given, apart from

the production of the documents referred to above, the vehicle shall be released, which shall be subject to the outcome of the enquiry by the 1st Respondent.

6. The writ petition is accordingly disposed of. No costs.

S.Ananda Reddy,J.

Note: Issue the operative portion
by wire at party's costs. (bo)

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08..10..2007

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